

Message Text

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ACTION EUR-25

INFO OCT-01 ISO-00 EURE-00 SSO-00 NSCE-00 USIE-00 INRE-00

CIAE-00 PM-07 H-03 INR-10 L-03 NSAE-00 NSC-07 PA-04

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FM USMISSION NATO

TO SECSTATE WASHDC IMMEDIATE 4621

SECDEF WASHDC IMMEDIATE

USNHLO PARIS IMMEDIATE

C O N F I D E N T I A L USNATO 1435

E.O. 11652 GDS 31-22-80

TAGS: MARR, NATO

SUBJ: DISPOSITION OF NATO-HAWK JOINTLY-OWNED MAINTENANCE FLOAT
MATERIAL

REFS: A. LTR, HMO/4.6.02/1216/65, SUBJ: MEMO OF UNDERSTANDING
RE PURCHASE OF HAWK MISSILE SYSTEM IN EUROPE UNDER THE
WPP, DTD 31 MAR 65.

B. AGREEMENT BETWEEN THE USG AND GOVTS OF BELGIUM,
FRANCE, FRG, ITALY, NETHERLANDS, AND NATO-HAWK PRO-
DUCTION & LOGISTICS ORGANIZATION REGARDING CLOSING-
OUT OF THE MUTUAL ACCOUNTS UNDER THE NATO-HAWK PRO-
DUCTION PROGRAMME, DTD 29 MAY 72.

C. USNATO 1012, 22 FEB 74

D. USNATO 5456, 19 DEC 72.

E. USNATO 5990, 7 DEC 73.

BEGIN SUMMARY. MESSAGE PROPOSES US POSITION FOR NATO-HAWK BOARD
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OF DIRECTORS (BOD) MEETING OF 19-21 MAR 74. REQUEST PROMPT
WASHINGTON CONCURRENCE. END SUMMARY.

1. LACK OF GUIDANCE FROM WASHINGTON, REQUESTED IN USNATO 1012,

DTD 22 FEB 74 (REF C), POSES SERIOUS PROBLEM FOR US MEMBER OF BOD
(COL LYNCH).

2. CRUX OF GEN MGR (GM-GEN MANCINI) CASE IS THAT US DID NOT PLACE
A PROCUREMENT ORDER FOR MAINTENANCE FLOAT ITEMS IN CONJUNCTION
WITH THE ORDER FOR FOUR (4) BATTALIONS OF EQUIPMENT IN 1965
(ITEMIZED IN ANNEX A, REF A). IT APPEARS, HOWEVER, FROM THE
NUMERICAL CALCULATIONS THAT THE US PAID FOR A PROPORTIONATE SHARE
OF THE JOINT MAINTENANCE FLOAT IN FINAL SETTLEMENT WITH THE NATO-
HAWK PRODUCTION & LOGISTICS ORGANIZATION (NHPLO) OF 29 MAY 72
(REF B). BASIS FOR THIS ASSUMPTION IS THAT NOTWITHSTANDING
OMISSION OF MAINTENANCE FLOAT ITEMS IN MOU OF 1965, ALL CALCU-
LATIONS OF US SHARE IN NEGOTIATIONS LEADING TO SETTLEMENT WERE
BASED UPON SHARE OF COSTS OF TOTAL PRODUCTION PROGRAM--INCLUDING
MAINTENANCE FLOAT--PROPORTIONATE TO NUMBER OF BATTALIONS ORDERED
BY US (4 OUT OF 26 1/2). DETAILS ARE SUMMARIZED IN PARA 6, REF D.
THE QUESTION WHICH COL LYNCH INTENDS TO PUT TO THE GM IS:
QUOTE IF THE US NO LONGER HAS OWNERSHIP OF ITS ORIGINAL SHARE
OF THE JOINTLY-OWNED MAINTENANCE FLOAT, THEN WHO DOES? UNQUOTE.

3. IT IS MISSION UNDERSTANDING THAT SOMETIME AFTER THE US ACCEPTED
ONE BATTALION FOR ISSUE TO SPAIN IN 1965, THE US ALSO WITHDREW A
PROPORTIONATE SHARE OF MAINTENANCE FLOAT ITEMS FOR ISSUE TO SPAIN.
MISSION REQUESTS US NATO-HAWK LIAISON OFFICE (USNHLO-LTC CANJA) TO
VERIFY THIS FACT WITH THE NATO-HAWK MANAGEMENT OFFICE (NHMO).
IF PROVEN CORRECT, THIS FACT WOULD CONSTITUTE EVIDENCE THAT US
HAD VALID CLAIM TO OWNERSHIP UNTIL THAT DATE.

4. REQUEST WASHINGTON COMMENTS WITH INFORMATION REPLY TO USNHLO
NLT COB 18 MAR 74. AGAIN REQUEST WASHINGTON TO PROVIDE DETAILED
LEGAL BRIEF SUPPORTING US POSITION REQUESTED ORIGINALLY IN
USNATO 5990 AND AGAIN IN USNATO 1012 (REFS 3 AND C).

5. US REP WILL CONTINUE TO MAINTAIN OUR RESERVATION ON DISTRI-
BUTION OF THE MAINTENANCE FLOAT AT 19-21 MARCH MEETING, AND WILL
PROMISE TO SUBMIT OUR DETAILED LEGAL OPINION TO BOD IN NEAR
FUTURE. RUMSFELD
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